

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT C. LONG, SR. &
JANET V. LONG,

Plaintiffs,

v.

BRISTOL TOWNSHIP, *et al.*,

Defendants.

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CIVIL ACTION

NO. 10-1069

ORDER

AND NOW, this 11th day of *July*, 2012, upon consideration of Defendants' Motion for Summary Judgment (Docket No. 55), and Plaintiff's Response in Opposition (Docket No. 60), it is hereby **ORDERED** that Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion is **GRANTED and JUDGMENT IS ENTERED** in their favor to the extent Plaintiffs' claims allege deprivations of their Fifth Amendment due process rights (Count I);
2. Defendants' Motion is **GRANTED and JUDGMENT IS ENTERED** in their favor to the extent Plaintiffs' claims allege deprivations of their Fourteenth Amendment procedural due process rights (Count I);
3. Defendants' Motion is **GRANTED and JUDGMENT IS ENTERED** in their favor to the extent Plaintiffs' claims allege deprivations of their Fourteenth Amendment substantive due process rights (Count I);
4. Defendants' Motion is **DENIED** to the extent Plaintiffs' claims allege deprivations of their Fourteenth Amendment equal protection rights (Count II);
5. Defendants' Motion is **GRANTED and JUDGMENT IS ENTERED** in their favor to the extent Plaintiffs' claims allege an unconstitutional taking of their property (Count III);
6. Defendants' Motion is **DENIED AS MOOT** to the extent Plaintiffs' claims allege a civil

conspiracy (Count IV);¹

7. Defendants' Motion, to the extent it asserts Plaintiffs have failed to establish the presence of municipal liability on the part of Bristol Township, is **DENIED**;
8. Summary judgment is **DENIED AS MOOT** on all claims asserted against Defendant Peggy Horvath as she is since deceased;²
9. Summary judgment is **GRANTED** on all claims asserted against Defendants Al Burgess, Ronald Marczak, Joseph Champey, and John Gushue for actions taken in their individual capacities as they are entitled to judicial immunity **and JUDGMENT IS ENTERED** in their favor;
10. Summary judgment is **GRANTED** on all claims asserted against Defendant Wendy Margulies for actions taken in her individual capacity **and JUDGMENT IS ENTERED** in her favor;
11. Summary judgment is **DENIED** on all claims asserted against Defendant Glenn M. Kucher for actions taken in his individual capacity;
12. Summary judgment is **GRANTED** on all claims asserted against Defendants Tina Davis, John Monahan, and Linda Tarlini for actions taken in their individual capacities as they are entitled to qualified immunity **and JUDGMENT IS ENTERED** in their favor;
13. Plaintiffs' request for punitive damages is **DENIED** as to all § 1983 claims asserted against Bristol Township as an entity. Plaintiffs' request for punitive damages as to the individually named defendants—*i.e.*, Defendant Kucher—may proceed forward to trial.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S.J.

¹ In their Response in Opposition (Docket No. 60), Plaintiffs withdraw their conspiracy claims set forth in their Complaint. (See Pls.' Resp. Opp'n 19.)

² In their Response in Opposition (Docket No. 60), Plaintiffs withdraw their claims asserted against Defendant Peggy Horvath on the basis that she is since deceased. (See Resp. Opp'n 20.)